

RULES COMMITTEE
of the
Suffolk County Legislature

Minutes

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A regular meeting of the Rules Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **May 6, 2004**.

Members Present:

Legislator Allan Binder - Chairman

Legislator Michael Caracciolo - Vice-Chair

Legislator Andrew Crecca

Legislator Jon Cooper

Legislator William Lindsay

Also in Attendance:

Mea Knapp - Counsel to the Legislature

Meaghan O'Reilly - Aide to Presiding Officer Caracappa

Nicole DeAngelo - Aide to Presiding Officer Caracappa

Ellen Martin - Aide to Legislator Binder

Frank Tassone - Aide to Legislator Crecca

Barbaro LoMoriello - Aide to Legislator Cooper

Jim Spero - Director/Budget Review Office

Ben Zwirn - Assistant Deputy County Executive

All Other Interested Parties

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Minutes Taken By:

Alison Mahoney - Court Stenographer

(* The meeting was called to order at 3:01 P.M. *)

CHAIRMAN BINDER:

Everyone please rise for the Pledge of Allegiance.

Salutation

The meeting of the Rules Committee will come to order. There are no cards before me. Is there anyone who wants to speak? You don't want to speak, no, Ben, you just want to watch?

MR. ZWIRN:

Right.

CHAIRMAN BINDER:

Good. Okay, then we'll just go right to the agenda.

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INTRODUCTORY RESOLUTIONS

1137-04 - Adopting Local Law No. 2004, a Local Law to amend County Consumer Protection Policy for recipients of gift certificates and/or gift cards (Lindsay).

Legislator Lindsay, just give a quick -- I've seen this before and I was looking at this, just give me a quick synopsis.

LEG. LINDSAY:

There is currently a law on the books that regulates gift certificates, it says that if there's any restrictions on the gift certificate it has to be posted in the form of some kind of sign. What this does is it expands the law to cover what's popularly known now as gift cards which differs a little bit from gift certificates. And it really isn't too much of a dramatic change, it's really adding --

CHAIRMAN BINDER:

Right. What they usually do on a gift card is they make their money on the breakage; they have float and if you don't use the card, you don't even know --

LEG. LINDSAY:

Well, some of them -- and the terms are on the back of the cards but you need a magnifying glass to read them.

CHAIRMAN BINDER:

Yes.

LEG. LINDSAY:

Some of them diminish over time, the value; if you don't spend it within a year then it starts being reduced by a couple of bucks a month.

CHAIRMAN BINDER:

Right. What they do is they do a fee and they call -- in their industry, my understanding is they call it breakage. And so what they do is people don't use it, it sits in their wallet, they don't know how much is on it because it doesn't say, and so there might be \$10 on there, by the time they get to use it there's \$1 left because they never used it.

LEG. LINDSAY:

The only thing that we are asking the industry to do is if there is a clause that would diminish the value of what you paid for that it be posted in a prominent way at the point of sale.

CHAIRMAN BINDER:

Right. So on this one I actually -- if the Clerk's Office can get me listed as a cosponsor so I don't have to yell it out during the middle of the next meeting, that's a great way to go.

We have a motion to, to --

LEG. LINDSAY:

Report.

CHAIRMAN BINDER:

Report; right, sorry, I'm having a mind problem here. Motion to report by Legislator Lindsay, second by Legislator Cooper to the next meeting of the full Legislature. All those in favor? Opposed?

1137 is reported (VOTE: 5-0-0-0).

LEG. CRECCA:

Cosponsor.

LEG. COOPER:

Cosponsor.

CHAIRMAN BINDER:

And also a cosponsor by Legislator Cooper, the Rules Committee as a committee, the strength of this committee will be behind this bill.

1238-04 - Adopting Local Law No. 2004, a Local Law to amend Local Law No. 11-2003, extending full benefits of real property tax law exemption for volunteer firefighters and ambulance workers (Caracappa).

LEG. CRECCA:

Motion.

CHAIRMAN BINDER:

Motion by --

LEG. CARACCILOLO:

Explanation.

CHAIRMAN BINDER:

Motion by Legislator Crecca, second by Legislator Cooper. An explanation by Counsel. And by the way, on the first I should have asked; there are no legal questions, I assume, as to the posting?

MS. KNAPP:

No, regulatory power.

CHAIRMAN BINDER:

Right, there's no problem there. Okay.

MS. KNAPP:

This Local Law is actually a follow-up to last year's Local Law where we allowed exemptions for fire fighters. Last year's Local Law had a cap on it.

LEG. CARACCILOLO:

(Inaudible).

MS. KNAPP:

In March of this year the State Legislature passed legislation lifting that cap, this simply mimics that.

LEG. CARACCILOLO:

So with the removal of the cap, the real property tax exemption applies to which portion of a real property tax bill, just the County portion?

MS. KNAPP:

We're only controlling the County portion, yes.

LEG. CARACCILOLO:

And it would equate to 10% of whatever the County property tax is?

MS. KNAPP:

(Shook head yes).

LEG. CARACCILOLO:

Okay. Cosponsor.

CHAIRMAN BINDER:

The whole committee wants to --

LEG. COOPER:

No, actually I have a question for Legislative Counsel. I was the author of the resolution on '03 that granted the 10% property tax exemption and we knew at that time that there was a flaw in the State law and it didn't allow many firefighters in my many counties to obtain the full exemption. And I'm almost certain that I had requested Legislative Counsel last year to draft the resolution so that we wouldn't need to do this, that if the State amended the law, as they ultimately did, it would kick in automatically, which is why I didn't move forward with this resolution this year. So is my understanding incorrect, is this needed or did the 2003 law --

MS. KNAPP:

It's absolutely needed. The County Attorney and I have a serious disagreement about this one. In their opinion, they quoted only a portion of the language that allowed the exemption to automatically increase and they left off the portion that talked about the effective date of this article. The article was effective in, I'm going to say August of 2003, change was only made in March of 2004. In my opinion, had they lifted the exemption before the effective date of the article, it would not have been necessary to do this. Since it was well after the effective date of the article, I firmly believe that it's necessary to do this.

The County Attorney and I have a disagreement about this and I asked the County Attorney, the Deputy County Attorney, on the record if she felt that there was any downside to doing this and she said there was not. So considering the fact that I think that they're wrong and that we need to do it, I think you should definitely move forward with it if it's the will of the Legislature to lift the cap.

CHAIRMAN BINDER:

Does anybody not want to be a cosponsor on this? Good, I'm sure everybody all should be listed as cosponsors. We have a motion and a second to report. All those in favor? Opposed?
1238 is reported out to the next full Legislative meeting (VOTE: 5-0-0-0).

1273-04 - Adopting Local Law No. 2004, a Local Law amending Chapter 270 of the Suffolk County Code in connection with abatement of crack houses and public nuisances (Presiding Officer at the Request of the County Executive). Let me ask Counsel; are there any questions of law that we have to be concerned about on the crack house bill?

MS. KNAPP:

This is actually a very necessary amendment, it conforms all sections of the law.

CHAIRMAN BINDER:

It's a conforming amendment.

MS. KNAPP:

Yes.

CHAIRMAN BINDER:

Okay. I'll make a motion to report. Is there a second?

Second by Legislator Caracciolo. All those in favor? Opposed?

1273 is reported (VOTE: 5-0-0-0).

1328-04 - Adopting Local Law No. 2004, a Local Law establishing policy and procedure for undercover/covert law enforcement leases (Presiding Officer at the Request of the County Executive).

Motion by Legislator Crecca, second by Legislator Caracciolo.

Is there any question, again, of law on this one or procedure?

MS. KNAPP:

No, it's perfectly within your jurisdiction.

CHAIRMAN BINDER:

Okay. All those in favor? Opposed? ***1328 is reported (VOTE: 5-0-0-0).***

1339-04 - A Local Law amending Chapter 424 of the Suffolk County Code in connection with revisions to sewer use rules and regulations (Presiding Officer at the Request of the County Executive).

LEG. CARACCILOLO:

Explanation.

CHAIRMAN BINDER:

Explanation by Counsel, and if Counsel could also tell us if there's any question of law.

MS. KNAPP:

To answer the first question -- the last question first; no, I don't believe there's any questions of law.

Basically these are amendments that bring our rules and regulations up to the current Federal regulations and it has to do with standards for those who hook-up to the sewer system. It was a very, very -- they were very technical changes, very technical changes. And you know, I used to do this kind of work and I was having a certain amount of difficulty following some of the technical changes without pulling out all the code of Federal regulations. I have to assume that this was generated in Strzepek's department, in the Public Works Department, because it was so technical in nature. But I believe that all of the changes were simply to conform our rules and regulations to the latest Code of Federal Regulations.

CHAIRMAN BINDER:

We have a motion -- oh, do we have a motion yet? I don't think we do.

LEG. CARACCILOLO:

Motion to report.

CHAIRMAN BINDER:

Motion by Legislator Caracciolo, second by myself. All those in favor? Opposed? ***1339 is reported to the next Legislative meeting (VOTE: 5-0-0-0).***

The next two, 1354 and 1379, were assigned to us so the voting rules will be different on this. The normal committee voting rules will be in effect for these two for approval, discharge, table, all those kind of things.

1354-04 - To amend Resolution No. 13-2004 (Caracciolo).

LEG. CARACCILOLO:

Motion.

CHAIRMAN BINDER:

Legislator Caracciolo wants to make a motion to approve?

LEG. CARACCIOLO:

To report.

CHAIRMAN BINDER:

No, no, it's to approve. I'll make a second. Is there any discussion on that?

LEG. CRECCA:

On the motion.

CHAIRMAN BINDER:

On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah, I didn't have an opportunity to read this bill prior to coming to committee, could someone tell me what it does?

CHAIRMAN BINDER:

Legislator Caracciolo.

LEG. CARACCIOLO:

This just eliminates the stipend for the --

LEG. CRECCA:

Oh, okay.

LEG. CARACCIOLO:

Okay?

LEG. CRECCA:

Sorry.

LEG. CARACCIOLO:

This repeals the stipend for the State and Federal representative.

CHAIRMAN BINDER:

Okay, we have a motion and a second.

LEG. COOPER:

Excuse me, one question.

CHAIRMAN BINDER:

Legislator Cooper.

LEG. COOPER:

Legislator Caracciolo, I believe that you've been our Legislative Delegate for I think it's four or five months now; could you let us know how many times have you gone up to Albany to advocate for bills or to Washington?

LEG. CARACCILOLO:

Once to Washington, twice to Albany.

LEG. COOPER:

And have you had any success at this point?

LEG. CARACCILOLO:

About as much success as our counterparts in Nassau County and the other 60 counties around the State. It's early in the Legislative calendar of dealing with major issues like Medicaid reform, so stay tuned. I know Judy Jacobs next Friday is having a conference on this in Nassau County, I will be there. You know, based on my last conversation with Senator Johnson's Office late last week, there's been no indication, no movement whatsoever on really the major type of cap reforms and other measures that would significantly help our financial picture, not yet.

LEG. COOPER:

Thank you.

CHAIRMAN BINDER:

You recognize that if there are changes in any rollbacks, changes in things that we can take

credit for, Legislator Caracciolo is going to be taking credit for all of that.

LEG. COOPER:

That goes without saying.

CHAIRMAN BINDER:

So your question really helped get, you know, that -- okay.

We have a motion and a second. All those in favor? Opposed?

1354 is approved (VOTE: 5-0-0-0).

1379-04 - To amend Resolution No. 13-2004 (Cooper).

LEG. CARACCILOLO:

Explanation.

CHAIRMAN BINDER:

Let me get a motion, Legislator Cooper, second by Legislator Crecca. We have a request for an explanation by Legislator Caracciolo; do one of the sponsors/cosponsors want to --

LEG. COOPER:

I had long worked under the assumption that if a public hearing was scheduled for a bill that it was a requirement that the resolution be tabled in committee until the public hearing was closed; it turns out that wasn't the case. I feel that it does make sense, I feel that we should wait until we hear from the public at the public hearing before we vote either in favor of a resolution or in opposition of a resolution. So this would simply say that the committee can take no action one way or another on a bill until the public hearing has been closed.

LEG. CRECCA:

If I can just add to that. What happened was Legislator Cooper I think requested Counsel to draft the rule; I, not knowing that Legislator Cooper did it, asked her to draft the same rule later the same day, so that's one of the reasons I'm cosponsoring. I think it's inappropriate under our current rules, really there's nothing that legally stops us from approving a bill before the public hearing, I don't think, although the charter may affect that. But the bottom line is the public hearing -- our policy has always been the public hearing should go forth and take place and needs to on any Local Law that's proposed and so it's sort of silly for the committee to even

have a vote on it when we -- before there's a public hearing.

So I agree with Legislator Cooper and I'm cosponsor to this bill and would encourage this Rules Committee to amend the rules to adopt this change.

CHAIRMAN BINDER:

It has been really only kind of a tradition of the Legislature and I've heard, "Well, you can't pass it out of committee unless it's closed;" well, the truth is there's no such thing as can't in the rules, there's no rule that says you can't, there's no rule. But you do have to take an action, as long as it's on the agenda, there has to be an action. So I think there was a particular bill that didn't get a motion, a second or whatever and so it was defeated by lack of a motion which is -- because there's no rule to prevent that, that's what happened to the bill, I mean, that's the status.

And we have always just done it as a tradition, but I have to say that I've been at other end of either a table subject to call while a recess is opened or something akin to no motion or whatever. And I sympathize with the sponsor on that kind of thing.

So 1379, we have a motion and a second. All those in favor? Opposed? ***That is approved (VOTE: 5-0-0-0).***

Now we'll get back to just reporting them out.

1387-04 - Adopting Local Law No. 2004, a Charter Law to amend Section C2-14 of the Suffolk County Charter (Crecca).

LEG. CARACCILO:

Explanation.

CHAIRMAN BINDER:

Legislator Crecca, do you want to give an explanation?

LEG. CRECCA:

Sure. Currently -- and I would ask Counsel to correct me if I misstate what this resolution

does, but currently the Clerk is required to file regular Introductory Resolutions that have been approved at the General Meeting by the second business day by twelve o'clock on regular resolutions, on Charter Laws and Local Laws they're required to be filed by noon of the following day of the scheduled meeting. Sometimes our meetings, especially a night meeting, go well into the evening, it makes no sense from a practical point of view to have to file on two separate days, so this all just conforms so that all resolutions, regardless of whether they're a Local Law or a regular Introductory Resolution, will be filed on that second day by noon. And at the previous committee the County executive indicated no opposition to the bill, so it's fine, it's just a little more efficient and makes it a little easier on our Clerk's Office. How did I do, Mea, good?

MS. KNAPP:

Yes.

CHAIRMAN BINDER:

We have a motion by Legislator Crecca to report, second by myself.

Is there any legal question? I assume not. As we had other legal questions with these kind of things, we don't have one this time?

MS. KNAPP:

No. You know, basically it's our own -- it's the housekeeping part of the Charter for the Legislature.

CHAIRMAN BINDER:

Okay. 1387, all those in favor? Opposed? ***1387 is reported to the full Legislature for the next meeting (VOTE: 5-0-0-0).***

Home Rule Message No. 1-2004 - Home Rule Message requesting the New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Senate Bill S1371-A) (Lindsay). Motion by Legislator Lindsay, second by Legislator Cooper. Obviously I have not been (inaudible), Legislator Lindsay, but I have to ask are there any legal questions with this Home Rule to Counsel?

MS. KNAPP:

No legal questions on the Home Rule, no.

CHAIRMAN BINDER:

We have a motion to report. We have a second.

LEG. COOPER:

Excuse me, I have a question of Counsel. I'm strongly supportive of this resolution, these two resolutions -- by the way, I would like to cosponsor -- but I was wondering -- and I can't understand why New York State needs to allow us to operate red light cameras. But out of curiosity, if Suffolk County decided to proceed and to install a camera or two on a test basis, what penalty would accrue to Suffolk County to violate New York Law? Because this clearly can save lives and I -- anyway, I'm curious.

MS. KNAPP:

I think that if it were found that we did not have legal authority to do it and we tried to impose fines, we'd have a practical difficulty in posing the fines, you know, they probably would not be imposed ultimately. But if we're successful in imposing the fines, then we could be subject to a lawsuit for the recovery of those fines.

LEG. COOPER:

And I have a question of the sponsor; do you know what the reason is that New York State is not moving on this, despite repeated entreaties from the Suffolk County Legislature?

LEG. LINDSAY:

Well, they would probably differ that they're not moving it. I think twice now the Assembly has passed a version and the Senate has passed a different version and reading both bills, the differences are minute but they can't seem to agree on one bill.

LEG. CRECCA:

Sounds like something we do here.

MS. KNAPP:

I thought you were going to ask me what the difference was and I agree with Legislator Lindsay

that the differences are, for the most part, minute. The one difference that I saw that, you know, that I could point to was that in the Senate version there was a prohibition against allowing the camera to view the front seat occupant while that was not in the Assembly version; I don't know whether that would hold it up.

CHAIRMAN BINDER:

Any Legislators care whether we can see the front seat occupants, invade people's privacy again? Probably not, okay. Sorry, Legislator Lindsay, I was baiting you, I'm sorry. Okay, a motion and a second is out there. All those in favor? Opposed?

LEG. CARACCILOLO:

Opposed.

CHAIRMAN BINDER:

Legislator Caracciolo opposes reporting, ***Home Rule No. 1 is reported to the Legislature for the next full meeting (VOTE: 4-1-0-0 Opposed: Legislator Caracciolo).***

LEG. COOPER:

Legislator Caracciolo, when this does pass, you will still forcibly advocate for this when you travel up to Albany, despite your personal opposition.

LEG. CARACCILOLO:

There aren't too many red lights between my entry onto the Expressway and Albany.

CHAIRMAN BINDER:

There are in Suffolk County on your way, no?

LEG. CARACCILOLO:

None.

CHAIRMAN BINDER:

No, probably not.

Home Rule Message No. 2-2004 - Home Rule Message requesting the New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program

(Assembly Bill A5387) (Lindsay). Same motion, same second. All those in favor? Opposed?
HR 2 is reported out.
(VOTE: 5-0-0-0).

Now we're in Sense Resolutions.

SENSE RESOLUTIONS

Sense 1-2004 - Memorializing Sense Resolution requesting the State of New York to establish school district subsidy for affordable workforce housing (Binder). I'm not going to make a motion on this at all, I will move on, I'm still talking to people about this.

Sense 16-2004 - Memorializing Sense Resolution requesting the United States congress to restore funding to the Environment Protection Agency Projects for the Long Island Sound (Cooper). Legislator Cooper makes a motion. If Counsel can give an explanation, or Legislator Cooper, whoever chimes in.

LEG. COOPER:

My recollection is that the Bush Administration has proposed slashing 80% of the funding to the Long Island Sound Protection Program below what Congress had appropriated and this Sense Resolution calls for Congress to restore the funding that was cut by the administration.

LEG. CARACCILO:

And specifically the --

LEG. COOPER:

And by the way, the same thing took place the previous year where Congress had allocated a certain amount, the Bush Administration cut it drastically and Congress did go back and restore much of the funding.

LEG. CARACCILO:

The funding is to be used in what fashion?

LEG. COOPER:

In education programs.

LEG. CARACCILOLO:

What kind of programs?

MS. KNAPP:

Education outreach programs and environmental studies.

LEG. CARACCILOLO:

Thank you.

CHAIRMAN BINDER:

Isn't there also a run-off component to that and to that money? I thought there was.

LEG. COOPER:

There may well be. It's actually a whole slew of programs that falls under the umbrella of the Long Island Sound Protection Program. I don't have specifics about every individual program.

CHAIRMAN BINDER:

If I can be listed as a cosponsor so I don't have to do it.

LEG. CARACCILOLO:

Ditto, same here.

CHAIRMAN BINDER:

All those in favor? Opposed? ***Sense 16 is reported to the full Legislature for the next meeting(VOTE: 5-0-0-0).***

Sense 26-2004 - Memorializing Sense Resolution requesting the New York State Legislature to pass the Mental Health Parity Bill known as "Timothy's Law" (Cooper).

Again, I'm sure, Legislator Cooper, you want to tell us what that is.

LEG. COOPER:

Actually, I understand there's now a more politically correct term than mental health parity; I learned it yesterday but now I can't remember what it is. But basically it calls for equal

treatment for mental health insurance compensation as opposed to medical health insurance compensation.

LEG. CARACCILO:

Second.

CHAIRMAN BINDER:

Motion by Legislator Cooper, second by Legislator Caracciolo. All those in favor? Opposed?

Sense 26 is reported. (VOTE: 5-0-0-0).

Sense 27-2004 - Memorializing Sense Resolution requesting assistance to establish adequate housing for displaced residents of adult homes in Suffolk County (Cooper).

Legislator Cooper, you can give a quick explanation.

LEG. COOPER:

Actually this is -- maybe Legislative Counsel, this is an actually fairly complicated proposal.

MS. KNAPP:

Actually this is an issue that advocates have been before the Health and Human Services Committee. It appears that -- well, there are 12 Suffolk-based adult homes that have either closed or in the process of closing just in this past year, and according to the statistics that I quoted in my draft of this one it says there have been 500 residents who have been displaced. There's nowhere for these people to go out of these adult homes and what this resolution does is simply ask the State to come up with a plan for how these people are going to be taken care of.

CHAIRMAN BINDER:

All right. Well, Legislator Cooper, unfortunately they won't come up with a plan as they didn't do with our institutionalized residents, mental health residents. What they have done over the years is a travesty in Suffolk County and they put the burden on our agencies that is absolutely unconscionable. I support the spirit of this and hope they would do it, but unfortunately I think it's going to be to little avail. Legislator Lindsay.

LEG. LINDSAY:

Yeah, the solution is really an easy solution and that's up the reimbursement rate beyond the

\$28 a day that they pay, that's why they're all closing; at \$28 a day, you can't house and feed someone three meals a day.

CHAIRMAN BINDER:

You can't house anyone. They literally -- when I first became a Legislator a long time ago, 1990 and I was Chairman of Health and Human Services, they started the plan, they announced the plan to deinstitutionalize. Basically we had most of the institutions in Suffolk County and we would end up with them as residents, they came from Brooklyn, they came from the Bronx, they came from all over the place and they came here, Pilgrim, Kings Park and Long Island Developmental Center and other places.

MS. KNAPP:

Central Islip.

CHAIRMAN BINDER:

And Central Islip. We became the repository for people who didn't go back, they stayed here, and they then were a burden on all their agencies and they've never adequately compensated us for the burden. And now it's happening with adult homes, and I know about this, they don't pay enough, they are closing, there's nowhere for them to go and they're not getting on a train to Brooklyn. They're going to have to be dealt with here and that means that Suffolk County government, in all likelihood, will have to find a way to deal with it because we're not going to let people out in the streets. I'm just using this for a moment for venting because I'm kind of tired of New York State doing what they're doing to us and --

LEG. COOPER:

Unfortunately people are ending up on the streets.

CHAIRMAN BINDER:

I know.

LEG. COOPER:

And there are lives being placed in jeopardy right now and I'm concerned that it's going to wait. New York State will not act until a real tragedy occurs.

CHAIRMAN BINDER:

I agree and it's terrible. Maybe someone will do something about it in the State, you'd hope. So we have S27, we have a motion by Legislator Cooper, second by Legislator Caracciolo. All these in favor? Opposed? ***That's reported out to the full Legislature, (VOTE: 5-0-0-0).*** You can put me on as a cosponsor on 27 also.

Sense 28-2004 - Memorializing Sense Resolution requesting the State of New York to provide equitable distribution of tourism promotion funds (Cooper). Legislator Cooper.

LEG. CARACCILOLO:

We don't get our fair share?

LEG. COOPER:

No, once again, we get the short end of the stick. The formula that the State uses penalizes Long Island, they base the distribution of funds on the number of counties in a region as opposed to either the population or the number of visitors to a region. So an area like Long Island which has a very large population and also a disproportionate number of visitors, gets the same amount of tourist promotion dollars as two counties in rural Upstate, New York. So that clearly is not fair that Long Island Association has called for this to be rectified for years now and, once again, New York State has failed to act, so that's the purpose of the Sense Resolution.

CHAIRMAN BINDER:

I will also cosponsor this one, you can put me down on that. All those in favor? Legislator Cooper will make the motion --

LEG. COOPER:

Please.

CHAIRMAN BINDER:

I'll make the second. All those in favor? Opposed?

S28 is reported out (VOTE: 5-0-0-0).

Sense 29-2004 - Memorializing -- this is not yours, Legislator Cooper.

LEG. COOPER:

There must be a mistake here.

CHAIRMAN BINDER:

Must be a mistake. ***Sense 29-2004 - Memorializing Sense Resolution requesting the New York State Legislature to amend the vehicle and traffic law to require posting of insurance sticker on automobile windshields (Alden).***

LEG. CARACCILO:

What is the purpose of this?

LEG. CRECCA:

It would allow -- if I can answer that, Legislator Caracciolo. It would allow officers, whether you agree with it or not, to identify someone who didn't have current insurance by spotting it with a small colored sticker. The idea being is that it is a big problem, people drive around without insurance, without a license.

CHAIRMAN BINDER:

Or not even having -- right, not even having insurance and it's a huge problem. So you get into an accident and you find out how big your problem. So you can put me down as a cosponsor on this one, too, it's a wonderful idea. I'll make the motion on that, second --

LEG. CRECCA:

Also, I think Lindsay's red light cameras might be able to pick up the color of the sticker as well, without seeing the person in the front seat.

LEG. LINDSAY:

They only point at the tires and license plate, not at the windshield.

CHAIRMAN BINDER:

So wait a minute, can we get them to put the sticker on the tire?

I'm sorry, we're playing, okay. All those in favor? Opposed?

S29 is reported (VOTE: 5-0-0-0).

LEG. COOPER:

For the record, I bet if our Legislative colleagues knew how much fun this committee is they'd

be fighting to join this committee.

CHAIRMAN BINDER:

They would. I get calls all the time, "I hear you guys joke around and you kind of enjoy yourselves and do the business of the County," I say, "Yeah, but we just can't expand the membership, I can't do that."

LEG. COOPER:

You know, if I could attend a Rules Committee meeting every day they wouldn't have to pay me to do this job. On the record? Wait, no, I was just joking, that was off the record. Can I retroactively put something off the record?

LEG. LINDSAY:

What time we meeting tomorrow?

CHAIRMAN BINDER:

Sense 30-2004 - Memorializing Sense Resolution in support of the Governor's plan to provide critical pension reform (Carpenter).

Make a motion by Legislator Crecca, second by Legislator Cooper.

All those in favor? Opposed? ***Sense 30 is reported out (VOTE: 5-0-0-0).***

Sense 31-2004 - Memorializing Sense Resolution requesting the State of New York to amend certain Racing and Wagering Laws impacting the ability of Regional Off-Track Betting Corporations to provide necessary funds to County and local governments for real property tax relief (Lindsay).

LEG. COOPER:

Explanation.

LEG. LINDSAY:

You want to do it?

CHAIRMAN BINDER:

Legislator Lindsay, it's yours, why don't you tell us what it is.

LEG. LINDSAY:

The State implemented a number of different fees last year on OTB that's taken a lot of direct revenue from the counties and this is really to restore that. There's three different pieces of that, am I not mistaken, Counsel?

MS. KNAPP:

There may be actually more than three different pieces. There were administrative fees, the OTB's now have to pay for the New York State Racing and Wagering Board, the casino that looks like it may open for the Shinnecocks would certainly take tremendous revenues away, they changed the take-out, they reduced the take-out which left less money for OTB; there were a number of measures undertaken last year basically to divert more and more revenue to the State.

CHAIRMAN BINDER:

Counsel is very familiar with this, I'm blown away how familiar you are.

MS. KNAPP:

I may still have my pie charts from 1980 showing how much revenue was taken away from the County.

CHAIRMAN BINDER:

Probably. We have a motion by Legislator Lindsay, second by Legislator Cooper to report. Just as an off-handed comment, I think we should probably -- the Legislature should probably look at looking into the financials of OTB since the stuff has gone on there and we had a guilty plea today and obviously there was a business going on downstairs and I think we should probably take a close look.

LEG. CARACCILO:

Privatize it.

CHAIRMAN BINDER:

Well, that might be down the road, but I think we should take a closer look at the financials of OTB and that's an oversight thing we should be doing. All those in favor? Opposed? **S31 is**

reported out of committee and to the full Legislature (VOTE: 5-0-0-0).

Sense 32-2004 - Memorializing Sense Resolution requesting the State of New York to mandate the operation of video lottery franchises by Regional Off-Track Betting Corporations (Lindsay). Legislator Lindsay, motion to report, second by Legislator Caracciolo.

LEG. CARACCIOLO:

No, no, no.

CHAIRMAN BINDER:

No. Legislator Crecca?

LEG. CRECCA:

Sure. Actually, rather -- it doesn't matter, that's fine.

CHAIRMAN BINDER:

Right, I have a real problem with this, just to put it on the record, but I'll report it out.

LEG. LINDSAY:

Just in the form of some explanation, what this bill does is video lottery terminals or slot machines are things that are going to start being installed around the State now in race tracks, there's another movement afoot to install them in counties where there is not race tracks. There was plan afloat around Albany to hire franchises to administrate this on a County level and for profit like Bally's Park Place, like Trump, like a lot of the gambling companies. And the danger to us is if it does ever come to Suffolk County, it should be done by OTB because we would gain about \$80 million in revenue to the County and to the local school districts, if it goes through a franchise we don't get anything and it all goes to the State. So that's purpose of this Memorializing Resolution.

CHAIRMAN BINDER:

Okay. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BINDER:

S32 is reported out to the full Legislature (VOTE: 4-1-0-0 Opposed: Legislator Caracciolo).

Sense 33-2004 - Sense of the Legislature Resolution in support of the Fire Island to Montauk Point Reformulation Study ensuring the future of Fire Island and the Barrier Beaches (Bishop). We have a motion by Legislator Cooper, second by Legislator Lindsay. All those in favor? Opposed? ***Reported out (VOTE: 5-0-0-0).***

Sense 34-2004 - Memorializing Sense Resolution requesting the United States Department of Defense not to recommend closing the Air National Guard 106th Rescue Wing at Francis S. Gabreski Airport (Schneiderman). Motion by Legislator Caracciolo.

LEG. CRECCA:

Second.

LEG. CARACCILOLO:

Second by Legislator Crecca. All those in favor? Opposed?

Sense 34 is reported out (VOTE: 5-0-0-0).

LEG. CRECCA:

Cosponsor.

LEG. CARACCILOLO:

Cosponsor.

CHAIRMAN BINDER:

We'll cosponsor all around, I would bet everyone wants to be on that one. Okay.

Sense 36-2004 - Memorializing Sense Resolution requesting the State of New York to cap Medicaid at the 2001 levels (Caracciolo). Motion by Legislator Caracciolo, second by myself to report out. All those in favor? Opposed? ***Reported out (VOTE: 5-0-0-0).***

Sense 37-2004 - Memorializing Sense Resolution requesting the State of New York to reject the Medicaid Overburden Aid cap (Caracciolo). Same motion, same second. All those in favor? Opposed? ***Sense 37 is reported out to the full Legislature for the next meeting***
(VOTE: 5-0-0-0).

Sense 38-2004 - Memorializing Sense Resolution requesting the State of New York to develop an actuarially sound means of mitigating large year-to-year pension increases (Caracciolo). Same motion, same second. All those in favor? Opposed? ***Sense 38 is reported out to the full Legislature (VOTE: 5-0-0-0).***

Sense 39-2004, please note the change in title that we didn't note on the agenda but there is an amended copy, ***Sense of the Legislature Resolution in support of increasing pay and providing improved benefits for members of the Armed Forces.*** We have a motion by Legislator Cooper -- I knew we'd find you back in here somewhere -- second by Legislator Caracciolo, the Marine.

LEG. CARACCILOLO:

We go from compulsory draft to --

LEG. COOPER:

You'll have to ask Legislator Binder's staff about that.

CHAIRMAN BINDER:

Was it ever called compulsory draft?

LEG. COOPER:

Yes, the first iteration.

CHAIRMAN BINDER:

Well, that's good because I thought my staff just was making it up and I would tell them never to do that again to you, Legislator Cooper.

MS. MARTIN:

We did cut and paste from the cover sheet from the Clerk's Office.

CHAIRMAN BINDER:

Right. No, that's okay.

LEG. COOPER:

Does anyone need an explanation of this resolution?

CHAIRMAN BINDER:

Why we don't want compulsory and why we do want --

LEG. COOPER:

No, whether anyone has a problem increasing pay and providing benefits for members of our Armed Forces?

CHAIRMAN BINDER:

I would hope not. I would hope no one has a question about this.

All those in favor? Legislator Cooper made the motion -- Oh, I said the Marine to my left, Legislator Caracciolo. All those in favor?

LEG. CRECCA:

Former Marine.

CHAIRMAN BINDER:

Once a Marine always a marine, and if you get too close he'll hurt you. All those in favor? Opposed?

LEG. COOPER:

Wait. As a veteran, wouldn't he have a conflict in voting for this?

CHAIRMAN BINDER:

I don't think he's asking for vets benefits, he's not active service right now.

LEG. LINDSAY:

(Inaudible).

LEG. COOPER:

But it also calls for increased health benefits for veterans and their families.

CHAIRMAN BINDER:

Uh-oh.

LEG. COOPER:

I'm serious. Is there any conflict?

LEG. CRECCA:

He gets good benefits.

LEG. CARACCILO:

I don't get military health benefits.

CHAIRMAN BINDER:

There you go. All those in favor? Opposed? ***Sense 39 is reported to the full Legislature (VOTE: 5-0-0-0).***

Last one, ***Sense 40-2004 - Memorializing Sense Resolution in support of HR 3409 which will prohibit the dumping of dredged materials in Long Island Sound, Block Island, or Peconic Bay (Caracciolo).*** Motion by Legislator Caracciolo, second by Legislator Cooper.

LEG. COOPER:

Would they be dumping it here instead of in the western Long Island Sound which is near my district?

LEG. CARACCILO:

The entire sound.

LEG. COOPER:

Okay.

CHAIRMAN BINDER:

It says the Long Island Sound, not just his side.

LEG. COOPER:

Cosponsor.

CHAIRMAN BINDER:

Cosponsor also, I'm going to be --

LEG. CARACCILO:

Although it is closer to your shoreline than mine.

CHAIRMAN BINDER:

-- a cosponsor on that. All those in favor? Did I say Legislator Caracciolo and the second is Legislator Cooper. All those in favor? Opposed? ***Sense 40 is reported out (VOTE: 5-0-0-0).***

Is there any business that has to come before the Rules Committee?

If not, we are adjourned.

(*The meeting was adjourned at 3:41 P.M.*)

***Legislator Allan Binder, Chairman
Rules Committee***